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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052260
Party	Defendant Edgar Alexander Barrera
Correspondence Address	R EMMETT MCAULIFFE RIEZMAN BERGER PC 7700 BONHOMME, 7TH FLOOR ST LOUIS, MO 63105 UNITED STATES rem@riezmanberger.com
Submission	Request to Withdraw as Attorney
Filer's Name	Emmett McAuliffe
Filer's e-mail	rem@riezmanberger.com
Signature	/st1006/
Date	09/05/2011
Attachments	SKMBT_75011090514030.pdf ( 4 pages )(138640 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

STEPHEN A. WESTLAKE,	)	
	)	
Petitioner,	)	Cancellation No. 92/052,260
	)	(Serial No. 77/378,015)
v.	)	
	)	
EDGAR ALEXANDER BARRERA,	)	
	)	
Respondent.	)	

**MOTION TO WITHDRAW BY RESPONDENT'S ATTORNEYS**

Comes now the undersigned attorneys of record for Respondent EDGAR ALEXANDER BARRERA and hereby submit a Motion to Withdraw as attorneys in the above-captioned Opposition proceeding pursuant to 37 CFR §2.19, 37 CFR § 1040(c)(1)(iv), and 37 CFR § 1040(c)(1)(vi).

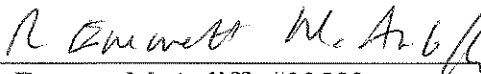
1. Respondent Barrera has not cooperated fully with undersigned attorneys and therefore has impeded his attorneys' ability to prosecute and defend the Opposition;
2. Respondent Barrera has not cooperated with his attorneys in preparation of timely responses to due dates and therefore has significantly impeded his attorneys' ability to comply with procedural rules of this tribunal;
3. Respondent Barrera has not responded to requests for documentation from his attorneys' and therefore has significantly impeded his attorneys' ability to prosecute and defend the Opposition and to fulfill their obligations to their client and this tribunal;
4. Respondent Barrera has not paid for a substantial portion of services and disbursements rendered and incurred by his attorneys in his behalf and which have been outstanding for more than one (1) year;
5. Since the last continuance, Respondent has only communicated with the undersigned attorneys during the past week and said communication dealt with request a continuance for medical reasons and other side issues that did not directly address the initial

disclosures due. The undersigned attorneys spoke on the telephone with him several times on September 2 at a total length of more than two hours. Mr. Barrera vacillated during these phone conversations between wanting to pursue another medical continuance and wanting to pursue the case in chief. Yet, in the case of the former he has provided no doctor's note and in the case of the latter he has provided no meaningful documentation or other information that would be responsive to the requirements of this case;

6. Respondent has stated that everyone in his Police Gazette organization is suffering under debilitating medical conditions and cannot assist counsel;
7. By the above circumstances it is unreasonably difficult for the practitioner to carry out the employment effectively;
8. The undersigned attorneys have provided written notice to Respondent Barrera of their intention to withdraw as attorneys and have returned to Respondent Barrera all papers and property related to the Opposition and the underlying trademark registration;
9. No fee has been advanced by Respondent Barrera that has not been earned by the undersigned attorneys;
10. Proof of service of this motion upon Respondent Barrera and upon every other party to this Opposition proceeding is annexed hereto;
- 11. The undersigned attorneys request that their motion to withdraw be considered on an expedited basis, inasmuch as the nature of this motion required the undersigned attorneys to ascertain these facts at as late a possible date and due dates are now occurring with possible prejudice to respondent and/or the undersigned attorneys.**

In view of the foregoing enumerated and independent reasons, the undersigned attorneys request that their motion to withdraw be granted in all respects. On September 4, 2011, an attorney for Opposers, Kevin Guyette Esquire, confirmed that Opposers do not object to withdrawal of the undersigned attorneys.

RIEZMAN BERGER, P.C.

By:   
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Attorneys for Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing instrument was emailed to, and placed in the United States Mail, postage prepaid, this 5<sup>th</sup> day of September, 2011, addressed to:

Mark Levy, 700 Security Mutual Bldg., 80 Exchange Street, Binghamton, NY 13902

and

Kevin Guyette, 19 Chenango St # 1101, Binghamton, NY 13901-2904

and

Alexander Barrera, 10 Castania Ct. St. Augustine FL. 32086

Emmett McArthur